

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	Criminal No.: _____
v.	:	Date Filed: _____
NOEL RICO FERNANDEZ	:	Violations:
	:	21 U.S.C. § 860(a) (Possession with intent to distribute cocaine base (crack) within 1000 feet of a school - 1 count)
	:	21 U.S.C. § 860(a) (Possession with intent to distribute cocaine within 1000 feet of a school - 1 count)
	:	21 U.S.C. § 841(a)(1) (Possession with intent to distribute cocaine base (crack) - 1 count)
	:	21 U.S.C. § 841(a)(1) (Possession with intent to distribute cocaine - 1 count)
	:	18 U.S.C. § 924(c)(1)(A) (Possession of firearm in furtherance of drug trafficking crime - 1 count)
	:	Notice of Forfeiture

**INDICTMENT**

**COUNT ONE**

THE GRAND JURY CHARGES THAT:

On or about January 17, 2003, at Lancaster, in the Eastern District of Pennsylvania,  
defendant

NOEL RICO FERNANDEZ

knowingly and intentionally possessed with intent to distribute more than 50 grams, that is, approximately 280 grams, of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II controlled substance, within 1,000 feet of the real property comprising St. Anthony's School, 522 East Marion Street, Lancaster, Pennsylvania, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

In violation of Title 21, United States Code, Section 860(a).

**COUNT TWO**

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 17, 2003, at Lancaster, in the Eastern District of Pennsylvania,  
defendant

NOEL RICO FERNANDEZ

knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, within 1,000 feet of the real property comprising St. Anthony's School, 522 East Marion Street, Lancaster, Pennsylvania, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

In violation of Title 21, United States Code, Section 860(a).

**COUNT THREE**

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 17, 2003, at Lancaster, in the Eastern District of Pennsylvania,  
defendant

NOEL RICO FERNANDEZ

knowingly and intentionally possessed with intent to distribute more than 50 grams, that is,  
approximately 280 grams, of a mixture or substance containing a detectable amount of cocaine  
base (crack), a Schedule II controlled substance, in violation of Title 21, United States Code,  
Sections 841(a)(1) and 841(b)(1)(A).

**COUNT FOUR**

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 17, 2003, at Lancaster, in the Eastern District of Pennsylvania,  
defendant

NOEL RICO FERNANDEZ

knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT FIVE**

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 17, 2003, at Lancaster, in the Eastern District of Pennsylvania,  
defendant

NOEL RICO FERNANDEZ

knowingly possessed a firearm, that is, a Highpoint 9mm semi-automatic pistol, serial number P018237, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is possession with intent to distribute cocaine base (crack) within 1,000 feet of a school, possession with intent to distribute cocaine within 1,000 feet of a school, possession with intent to distribute cocaine base (crack) and possession with intent to distribute cocaine, as charged in Counts One, Two, Three, and Four of this Indictment

In violation of Title 18, United States Code, Section 924(c)(1)(A).

**NOTICE OF FORFEITURE**

As a result of the violation of Title 18, United States Code, Section 924(c) set forth in Count Five of this Indictment, defendant

NOEL RICO FERNANDEZ

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), the firearm and ammunition involved in the commission of this offense, that is:

- (1) the Highpoint 9mm semi-automatic pistol, serial number P018237; and
- (2) five rounds of 9mm ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**PATRICK L. MEEHAN**  
**UNITED STATES ATTORNEY**